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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Carlos CHAVEZ-Portillo,

Defendant

Magistrate Docket No. 13 MJ 0531

SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **February 21, 2008** within the Southern District of California, defendant, **Juan Carlos CHAVEZ-Portillo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **22nd** DAY OF **FEBRUARY 2008**


William McCurine Jr.


UNITED STATES MAGISTRATE JUDGE

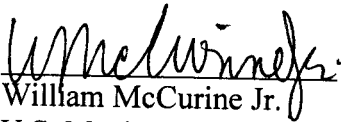
PROBABLE CAUSE STATEMENT

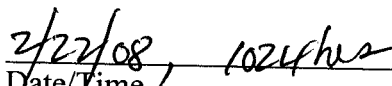
On February 21, 2008 at approximately 3:00 A.M., Border Patrol Agents R. Rogel and L. Colon responded to a seismic intrusion device near an area known as "Goatmans." This area is approximately seven miles east and one-half mile north of the Tecate, California Port of Entry. Agent Rogel and Agent Colon responded to the area and followed the footprints for approximately seven hundred yards until they found three subjects attempting to hide. Agents Rogel and Colon identified themselves as United States Border Patrol Agents and performed an Immigration inspection. All three subjects including one later identified as the defendant **Juan Carlos CHAVEZ-Portillo** stated that they were citizens and nationals of Mexico without any immigration documents that would allow them to enter into or remain in the United States. Agents Rogel and Colon placed the three subjects under arrest and transported them to the Tecate Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 14, 2008 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant stated that he was attempting to travel to Los Angeles, California to seek employment.


James Trombley
Senior Patrol Agent


William McCurine Jr.
U.S. Magistrate Judge


Date/Time, 1024 hrs